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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Samir S. Soliman

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EXAMINER

PAN, YUWEN

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

08/20/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/965,341	<b>Applicant(s)</b> SOLIMAN, SAMIR S.	
	<b>Examiner</b> YUWEN PAN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 21, 22, 24, 26, 27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 2, 5, 25, 28, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments filed on 5/28/08 have been fully considered but they are not persuasive. The applicant argues that Kenney reference does not show or discloses all of the limitation of independent claims 1 , 21, and 29 because applicant's specification indicates that "out-of-channel signals may be handoff candidate frequencies and GPS signals. The examiner believes that the applicant's arguments are no preservative because the claim limitation does not reflect such definition (see MPEP 2111 in which it is impermissible to importation of specification into claim limitation). Based on the broadest interpretation of claim language, the out-of-channel signals could be interpreted as IMD as taught be Kenney's reference.
2. Applicant's arguments see applicant's remarks, filed on 5/28/08, with respect to claims 2, 5, 22-28, and 30-32 have been fully considered and are persuasive. The rejection of claims 2, 5, 22-28, and 30-32 has been withdrawn.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 26 recites the limitation "amplified" in lines 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1, 3, 4, 21, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenney et al (US006009129A, hereinafter Kenny).

Per claim 1, Kenney discloses a communication receiver (see figure 3), comprising: a low pass filter that filters a base band signal to produce on channel received samples by removing out-of-channel (IMD) from the baseband signal (see figure 3 and items 312 and 313, column 6 and lines 52-65); a processor that processes said based band signal to produce out-of-channel received samples (see figure 3 and item 330, column 11 and lines 44-64).

Same arguments apply, *mutatis mutandis*, to claims 21, and 29.

Per claim 3, Kenney further teaches that a frequency source (see figure 3 and item 314) that generate a first signal at essentially the same frequency as an on-channel frequency; and a multiplier (see figure 3 and item 307) that mixes an amplified received signal and the first signal to produce to base band signal.

Per claim 4, Kenney further teaches that a low noise amplifier (see figure 3 and item 305) received signal comprising an on-channel and out-of-channel signals.

Per claim 30, Kenny further teaches parallel process (see figure 3) wherein the filtering and processing takes place at almost the same time.

7. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Horner et al (US005357544A, hereinafter Horner).

Per claim 24, Horner discloses a communication receiver, comprising: means for filtering a base band signal to produce on-channel (left and right channels) received samples by removing out-of-channel signals from the base band signal (see figure 2 and item 36, 38 and 40); and means for processing said base band signal to produce out-of-channel (pilot signal) received samples that can be used to search for pilots of candidate frequencies.(see column 5 and lines 16-column 6 and lines 7).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 22, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horner.

Per claim 22,, Horner discloses a communication receiver, comprising a frequency source that generates a first signal at essentially the same frequency as an on- channel frequency (see figure 2 and item 24); a multiplier that mixes the amplified, received signal and the first signal to produce a base band signal (see figure 2 and item 26); a low pass filter (see figure 2 and item 40) that filters said base band signal to produce on-channel (right channel and left channel) received samples by removing out-of-channel signals (pilot signal) from the baseband signal; and a processor (see figure 2 and item 20) that processes said base band signal to produce out-of-channel received samples that can be used to search for pilots of candidate frequencies (see

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column 5 and lines 58-62, column 6 and lines 3-8). Horner does not expressly teach a low noise amplifier. However, Horner teaches a tuner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the tuner further comprising a low noise amplifier in order to boost up the received signal such that it would be easy for the demodulation in the baseband.

Same arguments apply, *mutatis mutandis*, to claims 26, 27.

#### ***Allowable Subject Matter***

10. Claims 2, 5, 25, 28, 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yuwen Pan/

Primary Examiner, Art Unit 2618